

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TOMMY EUGENE REED,)	
)	
Petitioner,)	
)	
vs.)	Case number 4:06cv0512 CAS
)	TCM
JAMES PURKETT,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Pending in this 28 U.S.C. § 2254 action is the motion of petitioner, Tommy Eugene Reed, for the appointment of counsel. [Doc.4]

There is no constitutional or statutory right to appointment of counsel in non-capital habeas corpus proceedings. See Morris v. Dormire, 217 F.3d 556, 558 (8th Cir. 2000); McCall v. Benson, 114 F.3d 754, 756 (8th Cir. 1997); Hoggard v. Purkett, 29 F.3d 469, 471 (8th Cir. 1994). "[I]nstead, [the appointment of counsel] is committed to the discretion of the trial court." McCall, 114 F.3d at 756 (alterations added). In his 15-page, typed petition, Petitioner raises two claims of relief from his conviction, following a guilty plea, on three felonies and two misdemeanors. Respondent has not yet filed his response to an order to show cause why the relief should not be granted. At this stage of the proceedings the issues raised in the petition appear to be appropriate for resolution without an evidentiary hearing. See Morris, 217 F.3d at 558 (affirming denial of appointment of counsel when similar considerations were present). His motion for appointment of counsel will be denied.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion for appointment of counsel is
DENIED. [Doc. 4]

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 26th day of April, 2006.